

UNITED STATES District Court
District of Maine

U.S. DISTRICT COURT
BANGOR, MAINE
RECEIVED AND FILED

2017 APR 26 P 1:57

BY _____
DEPUTY CLERK

Daniel ONEIL RUFFIN, Pro. se
Plaintiff

V.

John Hinkley, et, al.
Mayor, Jail Admin., KCJ
IN HIS OFFICIAL & INDIVIDUAL CAPACITY

Heidi Norweg
Asst. Jail Admin., KCJ
IN HER OFFICIAL & INDIVIDUAL CAPACITY

Synthia Gardner
LT. OF Programs, KCJ
IN HER OFFICIAL & INDIVIDUAL CAPACITY

Timothy McFarland
Asst. OF Programs, KCJ
IN HIS OFFICIAL & INDIVIDUAL CAPACITY

Nathan Heat IV
Sgt. AT KCJ. IN HIS OFFICIAL
& INDIVIDUAL CAPACITY

David Palmer
210 AT KCJ, IN HIS OFFICIAL
& INDIVIDUAL CAPACITY

Bruce Sheaff
Food Service Manager, KCJ
IN HIS OFFICIAL & INDIVIDUAL CAPACITY

FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT UNDER THE
CIVIL RIGHTS ACT, 42 U.S.C. § 1983, WITH JURISDICTION
UNDER 28 U.S.C. § 1343

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

DANIEL ONEIL RUFFIN, pro se
[Enter above the full name of
the plaintiff in this action]

v.

Docket no.

JOHN HINKLEY, Jail Admin. et al
DEFENDANTS IN THEIR'S
OFFICIAL & INDIVIDUAL CAPACITY
[Enter above the full name of
the defendant(s) in this action]

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes ☒ No ☐
- B. If your answer to "A" is yes, describe the lawsuit in the space below.
[If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline]

1. Parties to this previous lawsuit

Plaintiff(s) DANIEL ONEIL RUFFIN

Defendant(s) MAJOR JOHN HINKLEY, Jail Admin., LT.

Capt. a. GARDNER, D.D. Timothy McFarland, A.D.,
& Heidi NICHOLASS Assist. Jail Admin. Sgt. Warden et al
2. Court [If federal court, name the district; if state court, name the county] DISTRICT OF MAINE, (Bangor) Office David Palmer

3. Docket number

4. Name of judge whom case was assigned N/A

5. Outcome [for example: It is still pending? Was it dismissed? Was it appealed] IT IS STILL PENDING

6. Approximate date of filing lawsuit 1/24/17

7. Approximate date of outcome N/A

II. Place of present confinement KNOX COUNTY Jail

A. Is there a prisoner grievance procedure in this institution?

Yes ☒ No ☐

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure? Yes ☒ No ☐

C. If your answer is "Yes"

1. What steps did you take? STEP (1), STEP (2) & FORWARDED TO ADMINISTRATION, NO RESPONSE FOR OVER A MONTH

2. What was the result? REFUSED & DENIED FOR TWO (2) MONTHS.

III. Parties

[In item "A" below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.]

A. Name of Plaintiff DANIEL ONEIL RUFFIN

Address 327 PARK STREET, ROCKLAND, ME. 04841

[In item "B" below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item "C" for the names, positions, and places of employment of any additional defendants.]

B. Name of Defendant JOHN HINKLEY

Position MAYOR, Jail Administrator, (KCJ)

Address 327 PARK ST., ROCKLAND, ME. 04841

* All The Defendants IS employed
AT KNOX County Jail. *

C. Additional Defendant(s) CYNTHIA GARDNER, LT, DOP, 327 PARK ST, ROCK-
LAND, ME 04841. TIMOTHY McFARLAND, APD., 327 PARK STREET, ROCKLAND,
ME 04841. Hied: NORWEG, Assist. Jail Admin., 327 PARK STREET,
ROCKLAND, ME 04841. WARREN HEAT V. SGT., 327 PARK STREET, ROCKLAND, ME 048

IV. Statement of Claim

BRUCE SHEAFF, Food Service Manager

327 PARK STREET, ROCKLAND, ME 04841

DAVID PALMER, OFFICER (KCS) 327 PARK ST, ROCKLAND, ME

[State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet if necessary.]

ON 11/17/16, DURING MY PROCESSING IN BOOKING, I STATED TO SGT. WARREN HEAT THAT I WERE A MUSLIM & CAN NOT EAT (PORK OR PORK BY PRODUCT, & THAT I'M A DIABETIC. SO HE STATED TO ME THAT HE WOULD CALL THE KITCHEN & INFORM THEM WITH MY INFORMATION. ON 11/21/16, I WAS TOLD BY AN OFFICER THAT (KCS) DIDN'T SERVED PORK, SO I TOOK THE OFFICER WORD A FACE VALUE - SEE ATTACHMENT -

V. Relief

[State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.]

TO HOLD EACH NAMED DEFENDANTS IN THE COMPLAINT BE ACCOUNTABLE FOR HIS OR HER ACTION AGAINST THE PLAINTIFF. TO BE AWARDED \$10,000 FROM EACH DEFENDANT FOR THEIR INTENTIONAL ACTS TO - WARD THE PLAINTIFF FOR BIDS, DISCRIMINATION, RETALIATION, & REFUSE ALLOWABLE RELIGIOUS ITEMS & MEDALLION. ALSO WOULD LIKE (KCS) TO ACKNOWLEDGE ISLAMIC RELIGIOUS EQUAL TO THAT OF CHRISTIANITY.

Wm. D. Neil Ruffin

Signature of Plaintiff

Signed this 24th day of JANUARY, 2017

I declare under penalty of perjury that the foregoing is true and correct.

1/24/2017
Date

Wm. D. Neil Ruffin
Signature of Plaintiff

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CONTINUE FROM COMPLAINT IV.

SO I ATE THE MEAT (OFFICER WALLACE) TOLD ME WASN'T (PORK) ON 11/24/16, ONCE AGAIN, (OFFICER WALLACE) SERVED ME A TRAY FROM THE KITCHEN [THANKGIVING MORNING] THAT HAD BLUEBERRY PANCAKES & [TWO (2) SLICE OF PORK BACON ON IT]. ON 12/9/16, (OFFICER KELLY) SERVED ME A TRAY THAT HAD THE SAME EXACT (SUPPOSEDLY T-HAM AS THE MENU SAYS) TURKEY HAM. BUT IT'S NOT [TURKEY HAM], IT'S PORK HAM. THE KITCHEN STAFF BEEN SERVING IT TO ME ALL ALONG - EVEN THOU THEY WERE TOLD BY (SGT. WARREN HEATON) ON 11/17/16, THAT BECAUSE OF RELIGIOUS REASONS I'D CANNOT HAVE (PORK OR PORK PRODUCTS). (SGT. HEAT) ALSO ASK ME TO SUBMIT A REQUEST TO THE KITCHEN TO ENSURE THAT THEY KNOW, I'M REQUESTING A (NO PORK DIET). WELL, EVEN THOU I DIDN'T FEEL I HAD TO INFORM THE KITCHEN SINCE I GAVE ALL MY PERSONAL & MEDICAL INFORMATION TO (THE SGT. & MEDICAL NURSE ON DUTY) DOING MY PROCESSING. SO SINCE STILL BEING IN (HOLDING AREA) & NOT ABLE TO DO OR GET THE THINGS I'D NEED TO DO OR GET BECAUSE OF MY SITUATION, I WASN'T ABLE TO SUBMIT A REQUEST TO THE KITCHEN UNTIL 11/26/16, & BY THEN I'VE BEEN SERVED (PORK) TWICE. (SEE EXHIBIT #2) FOR MORE DETAILS, ALSO SEE (EXHIBIT #1) WHERE (APO McFARLAND STATED) HE SPOKE WITH THE KITCHEN "MANAGER" ON THE DATE OF QUESTIONED, IF (PORK) WAS SERVED ON 11/24/16, THE KITCHEN MANAGER STATED THAT, THE REGULAR BREAKFAST TRAYS HAD HAM*, BUT THE PLAINTIFF TRAY WAS SERVED WITH (CHICKEN SASSAGE*). (SEE EXHIBIT #2), WHERE ON THE SAME DATE, (SGT. HEAT) STATED, HE CALL* THE KITCHEN & REFERENCE MY COMPLAINT FROM 11/24/16. HE STATED, THE ON DUTY STAFF / KITCHEN STAFF TOLD HIM THAT "THEY DID SERVED [PORK, BACON*]"

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(SEE EXHIBIT #3) WHERE I WAS SERVED (PORK) (SEE EXHIBIT #4) FOR DISCRIMINATION. (EXHIBIT #5) NEVER GOTTEN A RESPONSE. (EXHIBIT #6) ON 12/9/16, FILE GRIEVANCE FOR BEING SERVED (PORK). [Apo McFarland, LT. GARDNER, DOP, & Major HINKLEY] ALL REFUSE ME RELIGIOUS ITEMS, MATERIAL, & MEDALLION TO SUCCESSFULLY PRACTICE MY RELIGION. "FOR OVER A MONTH & NEARLY TWO (2)" I WAS REFUSE TO HAVE A [HOLY QUR-AN] BUT THIS FACILITY & THEY'RE KEEP COMMISSARY OFFER TO SALE THE (HOLY QUR-AN) FOR A PRICE OF (\$30.00) "THAT'S A NICE PRICE TO PUT ON THE WORD OF GOD." THERE WASN'T A (HOLY BIBLE) ON THE COMMISSARY, SO WHY PUT A PRICE ON ONE RELIGIOUS & RELIGION ITEM/MATERIAL. "ALSO THE ABOVE DEFENDANTS DISCRIMINATED AGAINST ME AS A PROTECTED GROUP, AFRICAN AMERICAN." THEY FURNISH THE WHITE INMATES WITH ALL THE RELIGIOUS MATERIAL, SERVICE, & RELIGION MEDALLIONS. BUT THEY REFUSE & DENIED PLAINTIFF'S HIS RELIGIOUS RIGHTS TO ACCESS TO RELIGIOUS MATERIAL, SERVICE, & MEDALLION, AS WELL AS THE RIGHTS TO RELIGIOUS DIET OF MY RELIGION (SEE EXHIBIT #8).

SINCE BEFORE 12/1/16, I'VE BEEN ASKING [Apo McFarland, & LT. GARDNER] TO MOVE TO THE MINIMUM PODS. NOW SINCE 12/1/16, SINCE I WAS CLASSIFIED MINIMUM, I CONSTANTLY PUT IN REQUESTS TO MOVE TO MINIMUM, BUT THEY WOULD GO OUT OF THEY'D WAY TO MOVE [ONE (1), TWO (2), THREE (3), WHITE INMATES] THATS IN THE SAME POD AS ME, & MAY I REMIND YOU, THAT FRESHLY CAME INTO MY POD & INTO THE JAIL, WHETHER THEY WERE MIN/MED, OR SENTENCE OR NON-SENTENCE, OR IN THE GENERAL POPULATION OR IN THE HOLDING AREA, THEY'D WERE MOVE TO MINIMUM AHEAD OF ME SO I'M BEING PUNISH-DISCRIMINATED & RETALIATED AGAINST FOR

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Writing Requests, Filing Grievances, & voicing my opinion
 concerning my Health, my Religion, & my Right to Be
 Free From Religious Discrimination: The Equal Protection
 Clause. (See exhibits #10 & #11, Step ONE(1) & Two(2) Grievances.)
 ON THE MORNING OF 1/6/17, During Rec. Period, I
 WAS HIT IN THE FACE WITH A BASKETBALL BY ANOTHER INMATE
 *ILLEGALLY THROWING THE BALL OFF THE WALL IN WHICH WE'VE ALL
 TOLD IS NOT ALLOWED. SO AFTER (OFFICER D. PALMER) & ALL
 THE INMATES IN THE Gym JUST [WITNESS] WHAT HAD HAPPEN, &
 THE OTHER INMATE NEVER CAME TO ME & "ApoloGized", &
 (OFFICER D. PALMER) AT THE TIME NOR DURING TO TIME THIS
 HAD HAPPEN EVER OFFER IF I [Wanted or Needed medical
 Treatment.] SO WITH NONE OF THIS BEING SAID NOR DONE, I
 "Got ANGRY & Start SWEARING," AT THAT POINT, (OFFICER
 D. PALMER) call for Rec. to BE OVER. THERE WERE NO ONE
 [Fussing or Fighting] JUST THE PLAINTIFF VENTING. SO FOR
 WHATEVER REASONS (OFFICER D. PALMER) HAD, HE'S BEGAN TO
 [Push & shove] ME DOWN THE HALLWAY FOR WHAT REASONS
 I'D DON'T KNOW. I WASN'T REFUSING TO WALK OR ANY-
 THING, & I WERE MOVING RIGHT ALONG WITH THE REST
 OF THE INMATES GOING BACK TO OUR PODS. AS (OFFICER
 D. PALMER) WAS SHOVING & PUSHING ME WITH HIS HAND
 IN THE MIDDLE OF MY BACK, HE STATED, I'D CAN'T HAVE
 YOU TELLING ME HOW'S TO RUN MY REC., SO I STATED BACK
 TO HIM, I NEVER TOLD YOU HOW TO RUN YOUR REC., & I
 SAID I'M THE ONE WHO GOT SMASH IN THE FACE WITH
 A BASKETBALL NOT YOU. SO AS "TALK & WALK," HE CONSTANTLY
 PUSH & SHOVEL. "NOW" I BEGAN TO GET ANGRY ALL OVER

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Again, Because (Officer D. Palmer) is unnecessarily putting his hands on me for absolutely no reasons. Plus his look, attitude, & behavior was that of a person under the influence of some sort of medication or some other type of substance. So once approaching my pod door, (Officer D. Palmer) tried pushing me inside the door, so we all began to exchange words - By then I had had enough, & I said to him (Don't put your f---ing hands on me again). So Officer Palmer said, Go on lockdown or refuse any other order by Officer Palmer. I never refuse to lockdown when given by an officer. So because I told Officer Palmer I'd wanted a grievance & he ask for what I state, for you continue putting your hands on me / assault. So around noon time on 11/6/17, Sgt. Heat IV call me out to sign a informal write-up COB. So I disagreed to agree. So I proceeded with filing a grievance to the situation. So not only did Sgt. Heat write-up the plaintiff, he was part of plaintiff grievance, & Sgt. Heat investigated the grievance, & he answer the plaintiff grievance, in which in fact violated the plaintiff due process. (See exhibits #12A, #12B, & #13). I'd got no response from the upper management [Major J. Hinkley].

Now its nearly two (2) months later, & I'm still having to file request grievances to get all that I'm allowed to have by standard. I'm not asking for anything special, just to be treated the same as my counter part white inmates. The facts that I'm a first timer in Knox County Jail, & being African American & being muslim, shouldn't result in me being treated any different from any other white inmate in (KCTJ). There's (no excuses). There's been plenty of time for staff at (KCTJ) to learn about African inmates & Islamic religious. This new Knox County Jail been up & running since 1990-91, at least 27 yrs. No reasons or excuses no one here

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DON'T KNOW ABOUT [CIVIL RIGHTS & CONSTITUTIONAL RIGHTS] OF AN
INMATE, AS WELL AS THE (XIV. AMENDMENT) (THE EQUAL PROTECTION OF THE LAW)
SO THE PLAINTIFF IS ASKING THIS COURT TO GRANT HIM LEAVE TO
CONTINUE TO PROCEED WITH THE COMPLAINT AGAINST THE DEFENDANTS.

Respectfully Submitted

Date: 1/24/2017

Daniel Neil Ruffin

Signed This 24th Day OF JANUARY, 2017

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS
TRUE AND CORRECT.

1/24/2017
DATE

Daniel Neil Ruffin